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27 SEP 2006

In re Application of
Heike et al.
Application No. 10/522,896
PCT No.: PCT/DE04/00870
Int. Filing Date: 26 April 2004
Priority Date: 30 April 2003
Atty. Docket No.: 03P06168
For: Illuminating System Having
Sequential Color Filtering And A
High-Pressure Discharge Lamp

COMMUNICATION

This is in response to the "Response To Notification Of Defective Response" filed on 03 May 2006.

BACKGROUND

This international application was filed on 26 April 2004, claimed an earliest priority date of 30 April 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 11 November 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 October 2005. Applicants filed, *inter alia*, the basic national fee on 01 February 2005.

On 15 December 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 27 January 2006, applicants filed a response, including a declaration.

On 03 April 2006, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating that the declaration filed on 27 January 2006 was defective "because title has not been translated into" English.

DISCUSSION

Counsel argues that the declaration is compliant with 37 CFR 1.497(a) and (b) despite the defect noted in the Form PCT/DO/EO/916 mailed on 03 April 2006. Counsel argues that the declaration adequately identifies the application to which it is directed. Review of the declaration reveals that it identifies the application to which it is directed by its international application number and international filing date. However, counsel's attention is drawn respectfully to 37 CFR 1.69(b), which provides that

Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a

statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

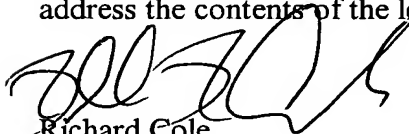
The text of the instant declaration has not been fully translated because the title of the invention appearing on the declaration document appears only in German. Therefore, pursuant to 37 CFR 1.69(b), it would not be appropriate to accept the declaration filed on 27 January 2006 for this reason.

It is further noted that the translation of the international application is defective in that the first page of the specification includes untranslated German text ("Patent-Treuhand-Gesellschaft für elektrische Glühlampen mbH., Munich"). A proper translation and the processing fee under 37 CFR 1.492(i) are required.

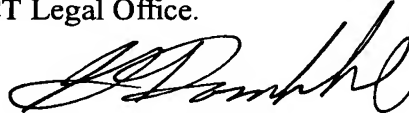
CONCLUSION

This international application stands **ABANDONED** for failure to timely reply to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 December 2005 and the Notification of Defective Response (Form PCT/DO/EO/916) mailed on 03 April 2006.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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